

October 27, 2008

BY ELECTRONIC MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *EX PARTE* PRESENTATION: Sprint Communications Company L.P.,
Application for the Section 63.71 Discontinuance of 900 Transport Service
WC Docket No. 08-116 Comp. Pol. File No. 871.**

Dear Ms. Dortch:

In an *ex parte* letter filed on October 3, 2008 in the above-referenced Docket, Sprint Communications Company L.P. ("Sprint") informed the Commission that it was ready to return all 10,000 numbers within each of the 900-NPA codes it had been assigned by the North American Numbering Plan Administration (NANPA) with the exception of the 10,000 numbers in the 900-230 code. Sprint also stated that it would be willing to transfer the numbers to another qualified 900 service provider and that it had in fact been contacted by one such provider – ICN Ltd. – seeking to obtain the numbers.¹

On October 9, 2008, the attorneys for Jartel – one of Sprint's three remaining 900 transport customers – submitted an *ex parte* letter in which it states that "Sprint's has not presented a solution to its proposed discontinuance of 900 telephone numbers." Jartel does not explain what "solution" would meet with its approval. Nor does it cite any Commission precedent that requires Sprint to devise such a "solution." Certainly, AT&T was not required to present a solution to the satisfaction of its customers before it was allowed to exit the 900 services market. See *AT&T Communications' Application to Discontinue Domestic Telecommunications Services*, 18 FCC Rcd 24376 (2003) (*AT&T 900 Services Order*).

In its letter, Jartel also states that it has found a carrier that is willing to carry the traffic "subject to certain conditions"; that it "is in the process of notifying Sprint of the carrier's proposal"; that it "looks forward to receiving Sprint's response"; and that "the Commission must continue to prevent the [sic] Sprint from discontinuing service until the parties have reached a true, workable solution." Jartel has yet to contact Sprint in this regard. In fact, the only contact

¹ The numbers would actually be transferred to ICN's telecommunications subsidiary Telephone Information Services of America L.L.C.

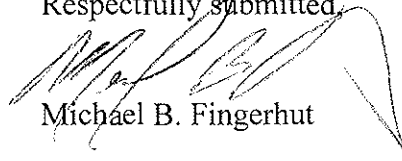
Sprint has had with Jartel recently was a call from Jartel's attorney on September 27 in which he suggested that Jartel's "workable solution" would require that Sprint continue to provide 900 Transport service. He also stated that he would present Jartel's proposal in writing but as of this date has failed to do so.

Sprint also would like to inform the FCC that it has not been contacted by either of its other two customers regarding their plans. Thus, Sprint has no information as to whether these customers have even been looking for an alternative provider.

Of course, as long as the FCC prevents Sprint from discontinuing its provision of 900 Transport service and returning or transferring most of its 900 numbers it has been assigned, none of Sprint's remaining customers has any incentive to secure the services of an alternative provider. All of them received notice in April 2008 that Sprint planned to discontinue its provision of 900 Transport service. Thus they have had more than "adequate time" to seek the services of another provider. *AT&T 900 Services Order*, 18 FCC Rcd at 24382 ¶ 12. Sprint should not be penalized by their failure to take timely action to secure the services of an alternative provider.

Sprint again respectfully requests that the FCC grant Sprint's application as quickly as possible so that it can return the numbers to the pool or transfer them to another provider. If Sprint is required to continue its provision of 900 Transport after December 31, 2008, it will be necessary for Sprint to significantly raise its rates for such services.

Respectfully submitted,



Michael B. Fingerhut

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